

RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY APPROVING NDP URBAN RENEWAL PLAN AND CONDITIONS UNDER WHICH RELOCATION PAYMENTS WILL BE MADE FOR THE WASHINGTON-COREY AREA

WHEREAS, in connection with an application of the Boston Redevelopment Authority (hereinafter referred to as the "BRA") to the Secretary of Housing and Urban Development for financial assistance under Title I of the Housing Act of 1949, as amended, to carry out a Neighborhood Development Program, approval by the BRA of the Urban Renewal Plans for the urban renewal areas involved in such application is required by the Federal Government before it will enter into a contract for loan or grant with the BRA under Title I; and

WHEREAS, the rules and regulations prescribed by the Federal Government pursuant to Title I require that the conditions under which the BRA will make relocation payments in connection with the Urban Renewal activities contemplated by the application and the Fixed Relocation Payments Schedule be officially approved by the BRA; and

WHEREAS, there were presented to this meeting of the BRA, for its consideration and approval, copies of the Urban Renewal Plan for the Washington-Corey area, dated November, 1972, which Plan is entitled "Redevelopment Plan: Washington-Corey", and consists of 15 pages and 5 maps and a set of conditions under which the BRA will make relocation payments, which set of conditions is set forth in the Relocation Program, including a fixed relocation payments schedule, attached hereto and marked for the urban renewal activities contemplated by the application; and

WHEREAS, The Urban Renewal Plan and conditions under which the Local Public Agency will make relocation payments, and the Fixed Relocation Payments Schedule were reviewed and considered at the meeting; and

WHEREAS, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin under any program or activity receiving Federal financial assistance and Executive Order 11063 prohibits discrimination on basis of race, color, creed, or national origin in sale, lease or other disposition of residential property (including land intended for residential use) or in the sale or occupancy thereof:

NOW, THEREFORE, BE IT RESOLVED:

1. That the conditions under which the Local Public Agency will make relocation payments are hereby in all respects approved.
2. That the Washington-Corey Urban Renewal Plan is hereby in all respects approved and the Director is hereby directed to file a certified copy of the Urban Renewal Plan with the minutes of this meeting.
3. That it is hereby found and determined that, where clearance is proposed, the objectives of the Urban Renewal Plan cannot be achieved through more extensive rehabilitation of the urban renewal area.

4. That the United States of America and the Secretary of Housing and Urban Development be, and they hereby are, assured of full compliance by the BRA with regulations of the Department of Housing and Urban Development effectuating Title VI of the Civil Rights Act of 1964 and applicable Executive Orders.

5. That the Fixed Relocation Payments Schedule is hereby in all respects approved.

6. That the Director is hereby designated to approve all claims for relocation payments.

ATTACHMENT

CONDITIONS UNDER WHICH RELOCATION PAYMENTS WILL BE MADE

The Authority shall make relocation payments to eligible site occupants in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and HUD regulations contained in the Relocation Handbook, as outlined below.

1. Basic Eligibility Requirements. For the purpose of establishing eligibility for any relocation payment, a displaced person is a family or individual who moves from real property within the project area, or moves his personal property from such real property on or after the date of the pertinent contract for Federal financial assistance for the project, and is displaced as a result of:

- a. Acquisition of real property for a project.
- b. The receipt of a written order from the Authority to vacate the property for a project.
- c. Code enforcement or rehabilitation upon:
 - (1) Receipt of a written order to vacate from the owner or code enforcement agency on the grounds that code enforcement or rehabilitation activities will be undertaken.
 - (2) Commencement of code enforcement or rehabilitation activities where the Authority concludes that the person has moved in reasonable anticipation of such activities, and that either: (i) the owner has notified the tenant of an increase in rent of not less than 10% which would result in the rent exceeding 25% of total household income; or (ii) code enforcement or rehabilitation which could not reasonably be undertaken without the vacating of the real property.

2. Type of Payments

- a. Payments for Moving and Related Expenses:

(1) Actual Reasonable Moving Expenses. A family or individual who elects to receive a relocation payment for actual reasonable moving expenses shall be paid the full amount of eligible costs including expenditures for:

(a) The cost of transporting persons or personal property from the project site to a replacement site (including transportation to storage). Transportation costs beyond the first 50 miles from the boundary of the political jurisdiction in which displacement occurs are not eligible except when the Authority determines that a move of a longer distance is justified and reasonable.

(b) Packing and crating personal property.

(c) Obtaining estimates for moving expenses.

(d) Storage of personal property for a period generally not to exceed six months when the Authority determines that storage is necessary.

(e) Insurance premiums covering loss and damages of personal property while in storage or transit.

(f) The disconnection and reconnection of household appliances.

(g) Property lost, stolen, or damaged (not caused through the fault or negligence of the displaced person, his agent, or employees) in the process of moving where insurance to cover such loss or damage is not available.

(h) Ineligible expenditures include additional expenses incurred because of living in a new location, cost of moving real property in which the displaced person retained ownership, interest on loans to cover moving, personal injury, cost of preparing the claim for moving expenses, and modification of personal property to adapt it to the replacement dwelling.

(i) Payment of Claims. A claim for a payment for actual moving expenses, supported by a bill or other evidence of expenses incurred, must be submitted to the Authority within six months of the date of the displacement. By prearrangement between the Authority, the displaced person and the mover (evidenced in writing), the claimant or the mover may present an unpaid moving bill to the Authority for direct payment. The Authority has the obligation to assure that the mover has fulfilled all contractual arrangements prior to making the payment directly to the mover.

(2) Fixed Payment and Dislocation Allowance. A family or individual who elects to receive a fixed payment in lieu of actual moving expenses shall be compensated as follows:

(a) In an amount not to exceed \$300, in accordance with the number of rooms of furniture to be moved. (With the approval of the Authority, an allowance for one additional room may be made in calculating the fixed payment to assist in moving articles stored in attics, cellars, or garages.)

Fixed Payment Schedule

1 Room	\$ 60	5 Rooms	\$225
2 Rooms	130	6 Rooms	250
3 Rooms	150	7 Rooms	275
4 Rooms	190	8 Rooms or more	300

Families or individuals living in a furnished apartment and not owning furniture, \$25 for the first room and \$15 for each additional room.

(b) Plus a \$200 dislocation allowance.

(c) An advance dislocation payment may be made to a claimant who elects to receive a fixed payment if the Authority determines that a hardship exists (e.g., the claimant needs money for a security deposit on a replacement dwelling).

(d) If individuals (not a family) are joint occupants of a single-family dwelling unit, each eligible claimant is entitled to actual moving expenses. If the individuals elect to receive fixed payment, and more than one claim is submitted, the amount of the fixed payment and the dislocation allowance shall be prorated among the claimants.

b. Replacement Housing Payment for Homeowners

(1) Purpose. To provide assistance to displaced owner-occupants to purchase and occupy comparable suitable standard replacement housing. The Replacement Housing Payment may be in an amount not to exceed a total of \$15,000, which may include a price differential payment, an interest payment, and an incidental expense payment.

(2) Eligibility Requirements. A family or individual may be eligible for a Replacement Housing Payment if:

(a) Displaced from a dwelling acquired for the project, or demolished (in accordance with local codes) in connection with the project.

(b) An owner-occupant of the acquired property for not less than 180 days prior to the initiation of negotiations for acquisition (or in the case of demolition, not less than 180 days prior to vacating the dwelling).

(c) Purchases and occupies a standard replacement dwelling within one year after the date on which he receives the final payment from the Authority of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is later.

(3) Payment Components

(a) The Differential Payment is the amount, if any, which when added to the acquisition payment for the acquired dwelling equals the reasonable cost of a comparable replacement dwelling. The reasonable cost of comparable replacement dwelling may be established by one of two methods:

- (i) Schedule of Average Prices of Comparable Sales Housing in Locality, or, at the option of the displacee.
- (ii) A Comparative Method to determine the cost of comparable housing on a case-by-case basis through the use of the sales price of one or more dwellings which are representative of the acquired dwelling. The comparable dwelling may be selected by the Authority or by the displaced person, with the approval of the Authority.

In no case may the differential payment component of the Replacement Housing Payment exceed the actual difference between the acquisition price and the cost of the purchased home.

(b) The Interest Payment is an amount to compensate the displaced homeowner for the present worth of any loss of favorable financing. The acquired dwelling must have been encumbered by a bona fide mortgage for not less than 180 days prior to the initiation of negotiations.

(c) The Incidental Expense Payment is an amount to compensate the displaced homeowner for expenses incidental to the purchase of replacement housing, such as legal, closing and related costs, lender, FHA or V.A. appraisal fees, FHA or V.A. application fee, certification of structural soundness, credit report, owner's and mortgagee's assurance of title, sales or transfer taxes, escrow-agent's fee, and other expenses as determined eligible by HUD.

(4) Notification of Eligibility. The Authority shall provide written notification of eligibility requirements for the Replacement Housing Payment to each owner-occupant of residential property to be acquired. Upon the written request of the claimant, a letter of verification of potential eligibility for the payment will be furnished to a responsible lending institution or other party designated by the claimant.

(5) A Claim for Replacement Housing Payment for Homeowners may be submitted within six months following purchase and occupancy of a standard replacement home. Whenever possible, and if requested by the claimant, the payment should be made on the date and the place of settlement in order to facilitate the purchase of the replacement housing.

If individuals (not a family) are joint owner-occupants of an acquired single-family dwelling, each eligible claimant shall be paid a prorated share of the total payment applicable to a single individual.

c. Replacement Housing Payments for Tenants and Certain Others.

(1) Purpose. This payment may be in an amount not to exceed \$4,000 and be used:

(a) To assist in the rental of replacement housing for a period not to exceed four years (i.e., rental assistance payment).

(b) To assist in making a downpayment towards the purchase of a replacement dwelling.

(c) To assist a homeowner temporarily displaced by code enforcement or voluntary rehabilitation.

(2) Eligibility Requirements. A family or individual may be eligible for the Replacement Housing Payment for Tenants and Certain Others if:

(a) Displaced from a dwelling acquired for the project or demolished (in accordance with local codes), or as a result of code enforcement, voluntary rehabilitation, or improvement of private property pertaining to the project.

(b) A tenant who lawfully occupied the dwelling from which he is displaced for a period of not less than 90 days prior to the initiation of negotiations for acquisition. In cases other than acquisition, he must have occupied the dwelling for 90 days prior to the date of vacating the dwelling, or

(c) A homeowner who occupied the dwelling from which he is displaced for not less than 90 days prior to initiation of negotiations for acquisition, and who either is not eligible for, or does not elect to receive a Replacement Housing Payment for Homeowners, and

(d) Rents or purchases and occupies a standard replacement dwelling.

(3) Payment for Claimant Who Rents. The amount of the rental assistance payment will be based on the difference between the average monthly rental including utilities before relocation, and the actual or average rental price for a comparable standard suitable apartment after relocation. The difference is multiplied by 48 (months) to determine the total amount of the payment, not to exceed \$4,000 over a four-year period.

If the average monthly rental before relocation is higher or lower than similar housing in the area, or if the displaced person is an owner, or for any other reason is not required to pay rent, the pre-relocation basic rent shall be the economic rent for similar housing in a similar area. Additionally, if the average pre-relocation rental exceeds 25% of the adjusted annual household income, the payment shall be computed on the basis of the difference between 25% of the adjusted income and the cost of comparable replacement housing.

The displaced person shall have the right to elect to use either the schedule method, or the comparative method in determining the cost of standard replacement housing. (In the event the Authority determines that neither of these methods is feasible in a given situation, an alternative method may be used with prior HUD approval.)

(4) Inspection of Replacement Housing Unit. The Authority shall inspect the dwelling unit to which the claimant moves to determine that it meets applicable standards. If the rental assistance payment is being made in annual installments, the Authority shall verify that the unit remains decent, safe, and sanitary before making each payment. In the event the dwelling is too far away or inspection is otherwise impractical, a Claimant's Report of Self-Inspection of Replacement Dwelling Unit must be submitted by the claimant before the annual installment can be made. Appropriate notification and the Self-Inspection form will be mailed to the claimant at least 30 days prior to the anniversary date of receipt of his initial payment. If the dwelling is determined to be substandard, the Authority shall notify the claimant of his ineligibility to receive the rental assistance payment unless the dwelling is brought up to approved standards or he moves to a standard unit.

(5) Payment for Claimant Who Purchases. If a displaced person elects to purchase instead of renting, he may receive payment of up to \$4,000 for a downpayment towards the purchase of a replacement dwelling, allowing that:

(a) If the claim is for more than \$2,000, the claimant must match, dollar for dollar, the amount in excess of \$2,000 up to the maximum of \$4,000.

(b) The amount of the payment may not exceed the amount that would be required for a conventional low downpayment.

(c) The full amount of the payment must be applied to the purchase price and such payments including incidental expenses, and must be shown on the closing statement.

(6) Payment to Homeowners Temporarily Displaced. A homeowner temporarily displaced as a result of code enforcement (other than demolition) or voluntary rehabilitation may be eligible to receive a rental assistance payment that is calculated in the same general manner as for owners who elect to rent.

(7) Claiming Payment. A Claim for Replacement Housing Payment for Tenants and Certain Others, accompanied by evidence that the replacement dwelling is standard, must be submitted to the Authority within a period of six months after displacement of the claimant.

3. General Notification. The Authority shall notify, at the earliest possible date, all persons who may be displaced or otherwise affected by project activities of the availability of relocation payments, the office where detailed information may be obtained, and the dates governing eligibility for the payments.

4. Processing of Claims

- a. A Claim for a Relocation Payment (other than a Claim for a Replacement Housing Payment for Homeowners) must be submitted to the Authority within six months after displacement of the claimant. A claim for a Replacement Housing Payment for Homeowners may be submitted within six months following purchase and occupancy of a standard replacement home.
- b. Payment shall be made by the Authority as promptly as possible after a person's eligibility has been determined in accordance with HUD regulations and procedures.
- c. Ineligible claimants shall be given written notice of the reasons for rejection of a claim. If ineligibility is based solely on the basis of a move to substandard housing, a claimant must be so notified and given time (tenants, 90 days; and owners, up to one year) in which to either move to a suitable standard dwelling unit or bring the unit into conformance with HUD-approved relocation standards.
- d. The Authority may set off against a relocation payment claim of an otherwise eligible person any financial obligations to the Authority arising out of the use of the real property from which the claimant is displaced, and which are unpaid by the claimant (e.g., deducting delinquent rent, provided that the Authority has not been negligent with respect to timely collection of rent). Whenever the Authority determines the financial obligation could not be met without undue hardship to the claimant, the obligation shall not be set off against the claim. The \$200 dislocation allowance is not subject to setoff.
- e. Before taking any setoff action, the Authority shall notify the displaced person of its intention to set off the claim and shall advise the person that he may, within 30 days, file a statement denying or disputing the claim. If such statement is filed by the person, the Authority may tentatively set off the claim if it institutes within 30 days and diligently prosecutes a judicial action to obtain a judgement for the claim. Once the Authority obtains a judgement for the claim, the setoff will be deemed final. If judicial proceedings are instituted and the Authority is denied a judgement, or if the Authority does not institute and prosecute proceedings, the full amount of the claim shall be paid, if otherwise eligible.
- f. The Authority shall maintain in its files complete and proper documentation supporting the determination made with respect to each claim.

MEMORANDUM

December 14, 1972

TO: Boston Redevelopment Authority

FROM: Robert T. Kenney

SUBJECT: REQUEST APPROVAL OF NDP URBAN RENEWAL PLANS AND APPROVAL OF CONDITIONS UNDER WHICH RELOCATION PAYMENTS WILL BE MADE FOR THE EAST BOSTON II, GOULDVILLE-DUDLEY, LENA PARK AND WASHINGTON-COREY AREAS.

In order to submit the Neighborhood Development Program (NDP) application to HUD, Board approval of each of the four urban renewal plans and conditions under which relocation payments will be made is necessary.

Attached for your information are copies of the four NDP Redevelopment Plans and a description of the conditions under which relocation payments will be made.

I, therefore, recommend approval of the following resolutions so that the NDP applications for these four areas may be filed with HUD.

The appropriate resolutions are attached.

